REMARKS

Claims 46-49, 51, 54-58, 61, 70-73 and 76-78 are pending. Reconsideration and allowance is respectfully requested.

35 U.S.C. § 103 Rejection

Claims 46-49, 51, 55-58, 70-73 and 77-78 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,832,242 to Keskar et al. in view of "Synchronization Profile," Bluetooth Specification Version 1.1. Applicants respectfully traverse this rejection and submit that the examiner's reasoning reveals the construction is unreasonably broad. Claims are to be given their broadest reasonable construction consistent with the specification. *In re Suitco Surface, Inc.*, 2009-1418 (Fed. Cir. 2010). As stated by the Federal Circuit, "the term comprising does not give the USPTO an unfettered license to interpret claims to embrace anything remotely related to the claimed invention." *Id.* The examiner cites Keskar as essentially reading on the claims. However, Keskar is a system and method already described as a method/system as having significant drawbacks, most notably, the need to synchronize with an intermediate desktop computer system. See specification, p. 1, line 17 – p. 3, line 5. By reading that a system requiring a centralized location to store interest profiles, in addition to an intermediate desktop computer system to transfer files, ignores the Applicants' specification in the analysis.

The present invention is directed towards distributing application between two portable computer systems. The distribution is to occur without synchronization with a desktop computer. As clearly stated by the specification:

> In this novel manner, software, e.g., application programs, operating system extensions and data sets, may be distributed among a set of users. Prior to selection of files, a user will typically receive more pertinent information regarding such files than through prior art techniques. In addition, since the distribution of information about the files may be automated, a user will generally have greater exposure to a wider variety of file offerings, e.g., the recommended computer files of many hand held users, rather than information filtered through a limited number of websites. Further, the actual distribution is performed automatically and without the complexities of intervening desktop computer systems or the internet. Page 22, lines 1-9.

It is in the above context that the claims must be read and interpreted, that is, a portable computer system communicates with another portable computer system to share files free from an intermediate desktop computer system or a centralized database for sharing information.

When the claims are interpreted within their proper context, the combination of Keskar and the Bluetooth Specification does not, and cannot, teach or suggest each and every element of the claims. Keskar discloses an environment comprising a centralized database service, intermediate desktop computing devices, and handheld devices. See col. 2, lines 58-67. A user must subscribe to the centralized service. Without a subscription, a user and their devices, computing and handheld, cannot participate in any Keskar method or system. Col. 3, lines 1-5. A user uploads their interest profile to a centralized server from an intermediate desktop computing device. The centralized server downloads the collection of interest profiles from all subscribed users to a database on each intermediate desktop computer. This database of interest profiles is downloaded into each handheld device when a user synchronizes the handheld device with the corresponding computing device. Thus, no handheld device is able to sharing relevance information with another device unless it has been appropriately synchronized with an intermediate desktop computer and the centralized service.

Keskar clearly states that the intermediate computing devices and the centralized database service are the device truly sharing user-relevant information within the system. Within this system, the handheld devices serve merely as proxies for the centralized database service and the desktop computers. See Fig. 1. Keskar describes its system:

> In one embodiment, the centralized location 10 accepts and stores, among other things, interest profiles of the users subscribed to the centralized location 10 to share the interest profiles. The centralized location is also able to process the interest profiles shared by the users and to detect users with similar interest profiles. A list of users with similar interest profiles is provided to any computing device on demand. The computing devices 100a-100c are, in general, electronic devices with high processing power and storage capacity, allowing them to perform complex algorithms and sophisticated programs. Theses computing devices 100a-100c serve as platforms for users to interact with the centralized location, such as sending data to, and receiving information from, the centralized location 10. The computing devices 100a-100c also serve as the locations for creating databases that allow automatic sharing of user-relevant information between handheld devices. For example, two users, user A and user B, may wish to have "automatic sharing" databases created. Based on inputs from users A, B and information from the centralized location 10 pertaining to users A, B,

automatic sharing databases corresponding to users A, B are created. User A may, for example, operate computing device 100a, while user B operates computing device 100b. In this case, the computing device 100a creates an automatic sharing database that corresponds to user A, and the computing device 100b creates an automatic sharing database that corresponds to user B. In another implementation, users A, B may also operate the same computer device but at different times, with user A's automatic sharing database being created in time T1 and user B's automatic sharing database being created in time T2.

Through synchronizers, the automatic sharing databases of users A, B are synchronized from the computing devices 100a, 100b to the handheld devices of users A, B, respectively. The handheld devices of user A and user B may, for example, be handheld device 200a and handheld device 200b in FIG. 1, respectively. In general, a handheld device, such as handheld device 200a, is considered to have low processing power and limited storage capacity as compared to a computing device, such as the computing device 100a. The handheld devices 200a, 200b interact with their respective computing devices 100a, 100b through links 15a, 15b. The links 15a, 15b could be a wire-based communication line or a wireless communication line. For example, sophisticated wireless protocols, such as Bluetooth and other short wave radio links, can be utilized to allow the computing devices 100a, 100ba to interact with wireless handheld devices or wireless phone/computer devices.

Upon receiving their respective automatic sharing databases, the handheld devices 200a, 200b store the databases in their memory. Each automatic sharing database contains the information necessary for the corresponding handheld device to engage in automatic sharing of user-relevant information between handheld devices. In one implementation, the automatic sharing database includes a database of items with a list of users interested in the items. In another implementation, the automatic sharing database includes a list of users with similar interest profiles. In yet another implementation, the automatic sharing database includes both a number of items with a list of users interested in the items and a list of users with similar interest profiles. Col. 3, lines 1-63 (emphasis added).

To share an item, the sender sends an "intent to share" and a user ID to the recipient's handheld device. The recipient's handheld device looks up the user ID in the sharing database that was downloaded from the centralized database service through the recipient's intermediate desktop computer. The sending device has not sent any summary information for the recipient to view via a user interface. The purpose of the user ID is so that the recipient may receive from its own database information as to whether the recipient has similar interests as the sender. The handheld devices never exchange any summary information because in Keskar's system, the

information about relevance items is contained within each device that is maintained at the centralized database service. For example, Keskar states

> The automatic sharing database is utilized by user A when he/she wishes to automatically share information from the handheld device 200a to user B's handheld device 200b, or other handheld devices operated by other users subscribed to the centralized location. In one implementation, user A, as a recipient, initiates sharing between the handheld device 200b of user B and the handheld device 200a of user A. During the sharing, user B, as a sender, queries its automatic sharing database for items relevant to user A, the recipient. The basis of the query may, for example, be user A's identification information. The item(s) returned as the result of the query are accessed and beamed to the recipient. In another implementation, user A, as a sender of an item(s), initiates sharing between the handheld device 200a of user A and the handheld device 200b of user B. The item(s), along with user A's identification information, are beamed toward the handheld device 200b of user B. The user B, as a recipient, queries its automatic sharing database using user A's identification information to see if user A has similar interests. Upon finding that user A has similar interests, the handheld device 200b of user B accepts the beamed item. Col. 3, line 64 – col. 4, line 16.

If a match occurs within a database, then relevant items are returned. The initiator of this sharing process does not send any summary information for display, and does not know any of the information that will be returned. What is shared is controlled by the centralized database service not the handheld devices or as the result of summary information being exchanged.

The examiner appears to be equating an intent to share a relevant item to transferring summary information of demarked files, displaying the transferred summary information, and the second user selecting a subset of the files display in the summary information. Applicants disagree with this interpretation. While a user may indicate a wish to share a relevant item, the information that is transferred in the intent to share is not information regarding the item. An intent to share is no more than indicating that one wishes to begin a sharing process. This intent does not describe the item. Keskar states that the sharing information may or may not include the actual relevant item. Nowhere does Keskar describe that the intent to share request from the first user includes any summary information regarding demarked files. Keskar explicitly states

> In block P710, the sender, or the person wishing to share a relevant item(s), uses the HSA UI to initiate the sending of the relevant item(s). In block P720, the sender's HSA beams the intent to share the relevant item along with the sender's user identification information, e.g., sender's UserID. In one implementation, the relevant item is also beamed and stored in a buffer area of the handheld device of

> the recipient. In block P730, the handheld device of the recipient receives the beamed data and passes it to the recipient's HSA. Col. 13, lines 28-37 (emphasis added).

Once the recipient's HSA determines that an intent to share an item exists (that is, someone has initiated the sharing process), the recipient performs a look up to the sharing database on the recipient's handheld device. It is the information returned from this lookup that determines whether any sharing of the item is performed. Keskar states

> The recipient's HSA analyzes the beamed data to determine that it is an intent to send relevant items, along with the sender's UserID. In block P740, the HSA of the recipient looks up in the recipient's SIDB to determine if the sender has similar interests. In one implementation, the HSA of the recipient queries the recipient's SIDB using the sender's UserID. In block P750, if it is determined that the sender has similar interests as the recipient, the handheld device of the recipient accepts the beamed relevant item, which may, for example, be already stored in a buffer area of the handheld device or subsequently beamed to the recipient. On the other hand, if it is determined that the sender does not have similar interests as the recipient, or the sender does not meet the degree of similarity requirement as set forth by the recipient, the item is rejected, as shown in block P745. Col. 13, lines 37-51 (emphasis added).

The intent to share has absolutely no summary information regarding the item to be shared. Sharing is only accomplished if the two users possess similar interests. What the file is is irrelevant to this process. Thus, when Keskar's specification refers to "a relevant item," it is not referring to any specific item. Rather the sharing process is searching for any file to share after a match is made in another user's handheld sharing database. In other words, the first user is directing the file to no one user in particular, only that a particular item may be shared. Keskar confirms this meaning:

> In the preferred embodiment, the agent portion 110 comprises a number of agents, including a profile agent and a sharing agent. The profile agent maintains user A's interest profile and provides support for finding profiles with similar interests. In one embodiment, user A operates the user interface portion 120 to edit his/her own interest profile. The interface portion 120 also allows user A to select items and make them shareable with others from the handheld device 200a. After such selection, the sharing agent analyzes the items, along with their content, and determines a list of other users who are interested in the items. Col. 4, lines 27-38 (emphasis added).

Thus, an intent to share cannot be considered to be the same as transferred summary information.

The examiner also appears to equate a sharable note to summary information. However, when the sharable not is read within the context of Keskar's method/system and summary information is read consistent with the Applicants' specification, the two cannot be equivalent. Keskar's sharable note is a placeholder for the actual item that would have been shared if it existed on the sender's handheld device. It is not a summary of the files on the first portable computer system that can be shared. Keskar states

> According to an embodiment of the present invention, instead of synchronizing a sharable item, a sharable note regarding the sharable item is instead sent, along with the list of users interested in the sharable item corresponding to the sharable note. The sharable note may, for example, include information pertaining to the descriptions and locations of the sharable item, which may, for example, be located in the computing device or another server. When a recipient or a sender initiates sharing for a sharable item that only has the sharable note synchronized, the handheld device of the sender makes a note of the desire of the recipient for the sharable item. A message is transferred from the sender to the recipient to indicate that the sharable item will be beamed after the handheld device of the sender synchronizes with the computing device of the sender (assuming that the sharable item is located in the computing device of the sender). During the next synchronization, the sharable item will be transferred from the computing device to the handheld device of the sender. This allows the sharable item to be transferred from the sender's handheld device to the receiver's handheld device. In one implementation, the sharable item is deleted from sender's handheld device after the transfer. This embodiment is likely to be utilized when the sharable item is large in size and the handheld device has limited storage capacity. Col. 13, line 55 – col. 14, line 12.

Summary information of a portable computer system is "descriptive information regarding a set of files contained in [a] device." Specification, p. 12, line 23. According to Keskar, a sharable note is used only if the item is not on the device. Thus, the two cannot be equivalent. Therefore, when read within proper context, Keskar does not and cannot teach or suggest the claims. Adding a Bluetooth specification to Keskar does cure these deficiencies. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 54, 61, and 76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Keskar and Bluetooth and further in view of Rodgers (US 20020065732). Applicants respectfully traverse this rejection.

As argued above, Keskar-Bluetooth does not teach or suggest the present claims. Rodgers does not cure the combinations deficiencies as argued in the Applicants' previous response to office action. Additionally, when Applicants' specification and claims are read within their proper context, Rodgers, like Keskar, does not describe the limitations as asserted. The present invention as claimed is directed towards one user informing another user of the executable files available on the first user's portable computer system to be downloaded to the second user's portable computer system. Rodgers' disclosure is limited to the transfer of information from a PDA to a desktop computer, not from a portable computer to another portable computer as claimed. Rodgers requires docking the PDA with the desktop to reconcile license data between the systems. This teaches away from transferring demarked files between two portable devices. The examiner's own statement supports this proposition. The examiner states

> examiner further submits that Rodgers teaches transferring information [To transmit a copy of a piece of content to another consumer using a PDA, consumer "A" instructs the content management program running in PDA 90, via a graphical user interface of the screen of 90S of the PDA to beam a copy of a specified piece of content. Upon receipt of this instruction, the content management application running in the PDA 90 retrieves a copy of the content 160, prepares license data for that content, which is this case includes the licence identifier DOI.sub.2QX.sub.p/T (the "T" denoting a temporary licence status), metadata 202 and the hash 204 for the content, and bundles both into a message 200 which is then transmitted via the wireless port 110 to the PDA 190 of a consumer B; paragraph 0028] between a first user's portable computer system [PDA 90 of consumer "A"; paragraph 0028] and a second user's portable computer system [PDA 190 of consumer "B"; paragraph 0028]. Final Office Action, 1/5/11, p. 3-4.

The citation merely states that license data is bundled with the content to be transmitted. Even if Rodgers is properly combinable with Keskar, Rodgers does not cure Keskar's deficiencies. Rodgers system operates on similar principles as Keskar, that is, an intermediate desktop computing device is needed to complete its process of transferring files. Moreover, the claim limitation does not claim transferring license data, but transferring files limited functionality or limited time use. The above is obviously not a transfer of a limited functionality application, but the transfer of license data, which may or may not result in limited application functionality. The comparisons are not equivalent. Accordingly, Applicants respectfully request withdrawal of this rejection.

Conclusion

All rejections have been addressed. In the event there are still outstanding issues, the undersigned requests the examiner to resolve them by telephone in order to expedite allowance of this application. Reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,

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